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Attorneys for Plaintiff SAMUEL RUBIO, and all other similarly situated employees

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

SAMUEL RUBIO, individually and
on behalf of all other similarly
situated employees, and on behalf of
the general public,

Plaintiff,

vs.

SPRINT CORPORATION, a
SPRINT COMMUNICATIONS
COMPANY, L.P., a Delaware
Corporation; SPRINT/UNITED
MANAGEMENT CO., a Delaware
Corporation; and DOES 1 through
20, inclusive,

Defendants.

CASE NO. 2:17-cv-02231-SVW-GJS

CLASS ACTION

Assigned To:

Hon. Stephen V. Wilson
Courtroom 10A, First Street Courthouse

**NOTICE OF MOTION AND
PLAINTIFF'S UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF
JOINT STIPULATION AND CLASS
ACTION SETTLEMENT**

Date: December 11, 2017
Time: 1:30 p.m.
Courtroom: 10A – West 1st Street

Complaint Filed: December 9, 2016
Amended Complaint: January 25, 2017
Removed: March 22, 2017

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that, on **December 11, 2017**, at **1:30 p.m.** in the United States District Court, Central District of California, First Street Courthouse, 350 W. 1st Street, 10th Floor, Courtroom 10A, Los Angeles, California 90012, before the Honorable Stephen V. Wilson, Plaintiff SAMUEL RUBIO (“Plaintiff”), on behalf of himself and all other similarly situated employees of Defendant SPRINT/UNITED MANAGEMENT COMPANY (“Defendant”) (collectively, “the parties”), will and hereby does move this Court for preliminary approval of the parties’ Joint Stipulation and Class Action Settlement Agreement, and respectfully requests entry of an order conditionally certifying the collective and class action claims for settlement purposes under the Federal Rules of Civil Procedure, Rule 23.

Plaintiff respectfully submits good cause exists for granting the Motion for the reasons set forth in the concurrently filed documents. Defendant’s counsel has reviewed the documents being filed in support of this Motion and does not oppose it.

The basis for this Motion is that the proposed Settlement is fair, adequate, and reasonable and in the best interests of the Class as a whole, and the procedures proposed by the parties are adequate to ensure the opportunity of class members to participate in, opt out of, or object to the Settlement.

This Motion is based upon this Notice, the Memorandum of Points and Authorities filed herewith, the Joint Stipulation and Settlement filed concurrently herewith, and the Declarations of class counsel (Richard E. Quintilone II, Esq., Roger Carter, Esq., and Marc. H. Phelps, Esq.) and the Class Representative, Samuel Rubio, filed herewith, the parties’ Joint Stipulation and Agreement to Amend Settlement Agreement re: Attorneys’ Fees and Amended Class Notice (“Joint Stipulation”) filed **November 9, 2017** (at **Dkt. # 26**) and the amendments to the Settlement Agreement and Class Notice at **Exhibits A-B** thereto, which are incorporated into the Settlement Agreement, upon all other exhibits attached the Declarations, and the other pleadings and records on file in this action, and the presentations of counsel.

1 Dated: November 13, 2017

QUINTILONE & ASSOCIATES

2
3 

4 By: _____

RICHARD E. QUINTILONE II,
ALVIN B. LINDSAY,
GEORGE A. ALOUPAS
Attorneys for Plaintiff SAMUEL RUBIO,
on behalf of himself and on behalf of a
Class of all other persons similarly situated

PROOF OF SERVICE

I, the undersigned, declare as follows:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action. I am an employee of or agent for Quintilone & Associates, whose business address is 22974 El Toro Rd., Suite 100, Lake Forest, CA 92630-4961.

On **November 13, 2017**, I served the foregoing document(s):

NOTICE OF MOTION AND PLAINTIFF'S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF JOINT STIPULATION AND CLASS ACTION SETTLEMENT

on the following parties in this action addressed as follows:

SEE ATTACHED SERVICE LIST

_____ (**BY MAIL**) I caused a true copy of each document, placed in a sealed envelope with postage fully paid, to be placed in the United States mail at Lake Forest, California. I am "readily familiar" with this firm's business practice for collection and processing of mail, that in the ordinary course of business said document(s) would be deposited with the U.S. Postal Service on that same day. I understand that the service shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained on this affidavit.

_____ (**BY PERSONAL SERVICE**) I delivered each such document by hand to each addressee above.

_____ (**BY OVERNIGHT DELIVERY**) I caused a true copy of each document, placed in a sealed envelope with delivery fees provided for, to be deposited in a box regularly maintained by Federal Express or Overnight Express. I am readily familiar with this firm's practice for collection and processing of documents for overnight delivery and know that in the ordinary course of Quintilone & Associates' business practice the document(s) described above will be deposited in a box or other facility regularly maintained by Federal Express or Overnight Express or delivered to a courier or driver authorized by Federal Express or Overnight Express to receive documents on the same date it is placed at Quintilone & Associates for collection.

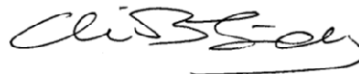
_____ (**BY FACSIMILE**) By use of facsimile machine number 949.458.9679, I served a copy of the within document(s) on the above interested parties at the facsimile numbers listed above. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine.

 X (**BY ELECTRONIC SERVICE**) I delivered each such document by electronic means and through the Court's ECF System.

Executed on **November 13, 2017** at Lake Forest, California.

 X (**FEDERAL**) I declare under penalty of perjury that the above is true and correct.

_____ (**STATE**) I declare under penalty of perjury that the above is true and correct.



ALVIN B. LINDSAY.

SERVICE LIST

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MANAGEMENT COMPANY and SPRINT
COMMUNICATIONS COMPANY L.P.
(erroneously sued as SPRINT
CORPORATION, a SPRINT
COMMUNICATIONS COMPANY, L.P.)

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Q&A Case No.: 16.01274